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EXAMINER

RIMELL, SAMUEL G

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

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Technology Center 2100

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/003,000
Filing Date: January 05, 1998
Appellant(s): SIEFERT, DAVID M.

Gorge H. Gates
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed July 9, 2004.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The statement of the status of after final amendments is correct.

(5) *Summary of Invention*

Appellant's summary of invention is more along the lines of being a summary of the claims. A more concise summary of the invention can be obtained from abstract of the disclosure (located at page 36 of appellant's original specification).

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

Appellant states that the claims are to be considered individually and provides arguments in section VIII of the brief addressed to each individual claim. Accordingly, the claims are considered individually.

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

WO 93/16454 Lee, John R. Published 19 August 1993.

(10) *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 16, 17, 19, 20 and 22 are rejected under 35 U.S.C. 102(a) as being anticipated by Lee (WO 93/16454).

Claim 16: Lee discloses a plurality of computers (10, 40, 44) which form a LAN system. The system stores a plurality of materials on different topics, as well as profiles of learners. The LAN forms a communications link with a data channel that connects students at workstations (10) to a teacher's workstation (40). The profiles of learners are stored in the system. These profiles include the learner's curriculum ("homework assignments", page 8, line 29); teaching strategies ("how much and what type of material each student can access", page 8, lines 34-35); present standing ("results of homework assignments", page 8, line 29 and page 12, lines 8-10) and personalized information ("student name and ID", page 8, line 26). Learning presentations are selected based on these profiles (page 6, line 37 through page 7, line 3) and selected presentations are presented to the users. The presentations themselves can be alternate

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presentations on the same topic (page 7, lines 29-32). The alternate presentations can be text, illustrations and questions, as well as different lesson lengths.

Claim 17: The information about the learner's curriculum is described at page 8, line 29. This information is the result of homework assignments. These results determine the learner's needs and the curriculum is matched to these needs (page 8, line 36- page 9, line 2).

Claim 19: The preferred teaching strategies are disclosed at page 8, lines 34-35 "how much and what type of materials the student can access". The student can designate preferences for the preferred teaching strategies (page 9, line 22 and lines 26-31). These preferences can dictate the selection of preferred learning programs.

Claim 20: The present standing of the student (homework results in the form of grades) are obtained in a non-intrusive manner. Namely, the grades are sent electronically to the instructor (page 12, lines 8-10).

Claim 22: The personalized information includes the student name and ID number (Page 8, line 26), which is information about the learner. This information facilitates learning, since the teacher would be incapable of even communicating with the students without having such information.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (WO 93/16454).

Lee discloses the concept of identifying subject matter that the student is having problems with, and sending a message to the teacher regarding this subject matter (page 12, line 35 through page 13, line 1). However, Lee does not explicitly state that such information is actually recorded in the student profile. It would have been obvious to one of ordinary skill in the art to modify Lee to record such information as a choice of stored data. Recording this data also allows prevents the information from being lost and permits review of the information at any time.

(11) *Response to Argument*

Rejections of claim 16, 17, 19, 20 and 22 under 35 USC 102(a):

Claim 16: In discussing the features of claim 16, examiner has cited eight different specific quotations which are correlated to the claimed features. Appellant's response (pages 7-8) is to provide an aggregation of these quotations and only one generic argument, namely that the "homework assignments" do not represent all of part (c) in claim 1. Examiner never made any such assertion. The "homework assignments" represents only one of the segments of the user's profile claimed in part (c). Examiner has not suggested that they represent all of the elements of part (c). Appellant argues that Lee lacks suggestion of "teaching strategies". Examiner maintains that a determination of "how much and what type" of information is to be presented to a student is highly consistent with the concept of a teaching strategy.

Claim 17: Appellant argues that the examiner's quotations cited in reference to claim 17 only refer to "homework assignments" and no other features. This is plainly erroneous. The quotations provided by the examiner refer to information about the user's curriculum, which are the outcomes of homework assignments. The Lee reference further states that this information

determines the learner's needs and that the curriculum is matched to these needs by determining how much and what type of material the student is supposed to access, so that the curriculum can be matched to the student (page 8, line 36 through page 9, line 2).

Claim 19: Appellant argues that Lee does not disclose storing a preferred teaching strategy in the student profile or making a selection of a preferred presentation. The preferred teaching strategies are "how much and what type of material each student can access" taught at page 8, lines 34-45 of Lee. A preferred presentation can be offered to and selected by the student (page 9, line 22 and lines 26-31).

Claim 20: Appellant's argument on this claim are rather generic, and appear to be a blanket assertion of patentability without specific consideration of the citations from Lee. Examiner pointed out that the present standing of the student was ascertained from homework results in the form of grades. These are transmitted unobtrusively (electronically) to the instructor via electronic network (page 12, lines 8-10). Appellant does not present any specific arguments on these conclusions.

Claim 22: Appellant argues that the citations from Lee in reference to this claim only discuss the concept of storing homework assignments. This is not correct. The cited portions from Lee disclose the presence of student name and ID number linked to homework assignments, not just merely "storing homework assignments". This information is personalized information and information about the learner, as set forth in the claim.

Rejection of claim 21 under 35 USC 103(a) as being obvious in view of Lee:

Claim 21: Appellant's arguments on this claim are generic and appear to be a blanket assertion of patentability. Appellant does not address the examiner's assertion that the message

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indicating a problem is in fact personalized information about the student. Appellant does not address the examiner's assertion that it would have been obvious to store the information in the student profile, and does not address the reasons for obviousness of such modification.

For the above reasons, it is believed that the rejections should be sustained.

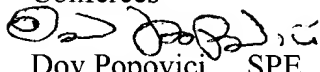
Respectfully submitted,



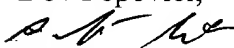
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September 20, 2004

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